

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

EUGENE DENNIS,¹

Plaintiff,

v.

9:07-CV-0091

**JOHN J. DONELLI, Superintendent, Barehill
Correctional Facility; T. SEAMAN, Medical Dir.,
Barehill Correctional Facility; T. WHALEN, Medical
Dir., Barehill Correctional Facility; R. DONALDSON,
IGRC Supervisor, Barehill Correctional Facility,**

Defendants.

APPEARANCES:

OF COUNSEL:

EUGENE DENNIS

02-a-4625

Last Known Address:

Queensboro Correctional Facility

47-04 Van Dam Street

Long Island City, New York 11101

Plaintiff, *Pro se*

HON. ANDREW M. CUOMO

Attorney General of the State of New York

The Capitol

Albany, New York 12224

Attorney for Defendants

RICHARD LOMBARDO, ESQ.

Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge

¹ Both the Clerk of the Court and the New York State Department of Correctional Services list Plaintiff's name as "Eugene Dennis," however, Plaintiff signs all his correspondence as "Dennis Eugene." Because all official records list Plaintiff as "Eugene Dennis," the Court will follow suit as to avoid any confusion, notwithstanding the name he ascribes.

Randolph F. Treece, duly filed on the 13th day of February 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendants' Motion to Dismiss for Lack of Prosecution (Dkt. No. 31) is granted and this action is dismissed due to Plaintiff's failure to update his address and his apparent abandonment of this case. *See* N.D.N.Y.L.R. 41.2(a) & (b) (dismissal of action appropriate where petitioner fails to notify Court of change of address).
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 9, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge